

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA	:	CRIMINAL NO. 05-_____
	:	
	:	
v.	:	DATE FILED: July 26, 2005
	:	
WILLIAM M. JOHNSON	:	VIOLATIONS:
DAVID B. ROBINSON	:	18 U.S.C. § 371 (conspiracy to commit
MARK N. VIGGIANO	:	offenses against the United States - 1
	:	count)
	:	18 U.S.C. § 666 (theft concerning a
	:	program receiving federal funds - 2
	:	counts)
	:	18 U.S.C. § 2 (aiding & abetting)

INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

At all times material to this indictment:

1. Defendant WILLIAM M. JOHNSON was the Commissioner of the Streets Department for the City of Philadelphia.
2. Defendant DAVID B. ROBINSON was Assistant Managing Director for the City of Philadelphia assigned to the Streets Department and reported to defendant WILLIAM M. JOHNSON.
3. Keep Philadelphia Beautiful (KPB), formed in 1985, was a non-profit organization which was responsible for fostering and supporting recycling and other environmental stewardship activities for the City of Philadelphia. Defendant MARK N. VIGGIANO was the Executive Director of KPB.

4. It was part of defendant DAVID B. ROBINSON's duties and responsibilities to review KPB's work, and approve and oversee the contracts between KPB and the City of Philadelphia Streets Department.

5. Since 2001, KPB received from the City of Philadelphia Streets Department up to \$197,750, under yearly contracts to develop and implement multi-faceted public-education programs to improve cleanliness and enhance the quality of life and personal responsibility among Philadelphia residents and visitors.

6. The City of Philadelphia and the Streets Department received federal grants in excess of \$10,000 per year from the United States Department of Housing and Urban Development under federal programs involving grants, contracts, subsidies, loans, guarantees, and other forms of federal assistance.

7. The National Forum of Black Public Administrators is a non-profit organization with a mission to strengthen the position of African-American administrators who are in public sector positions.

THE CONSPIRACY

8. From at least in or about February 2002 through on or about December 2002, in Philadelphia, in the Eastern District of Pennsylvania, and elsewhere, defendants

**WILLIAM M. JOHNSON,
DAVID B. ROBINSON, and
MARK N. VIGGIANO**

conspired and agreed, together and with others known and unknown to the grand jury, to commit an offense against the United States, that is, to embezzle, steal, obtain by fraud, otherwise without authority knowingly convert to the use of a person other than the rightful owner, and

intentionally misapply, property valued at \$5,000 or more, that is, money which was owned by and under the care, custody and control of the City of Philadelphia Streets Department, in violation of Title 18, United States Code, Section 666(a)(1)(A), (b).

MANNER AND MEANS

9. It was part of the conspiracy that defendants WILLIAM M. JOHNSON, DAVID B. ROBINSON, and MARK N. VIGGIANO, despite knowing the restrictions placed on the use of monies allocated by the City to KPB, unlawfully used approximately \$13,000 to pay for two lavish parties for defendant JOHNSON.

10. It was further part of the conspiracy that defendants WILLIAM M. JOHNSON, DAVID B. ROBINSON, and MARK N. VIGGIANO, concealed the unlawful use of the money to pay for defendant JOHNSON'S parties, arranged to have KPB pay for the parties, and then arranged to be reimbursed by the Streets Department of which defendant JOHNSON was the top official.

OVERT ACTS

In furtherance of the conspiracy, defendants WILLIAM M. JOHNSON, MARK N. VIGGIANO and DAVID B. ROBINSON, and others known and unknown to the grand jury, committed the following overt acts in the Eastern district of Pennsylvania:

The March 22, 2002 Birthday Party

1. In or about February 2002, defendant DAVID B. ROBINSON asked the president of the local chapter of the National Forum of Black Public Administrators, R.T., to host a party to honor and celebrate the birthday of defendant WILLIAM M. JOHNSON on March 22, 2002.

2. In or about February 2002, defendant DAVID B. ROBINSON told the local chapter president, R.T., that the National Forum of Black Public Administrators would not have to pay for the March 22, 2005 event.

3. In or about February 2002, defendants WILLIAM M. JOHNSON, DAVID B. ROBINSON, and MARK N. VIGGIANO arranged for \$5,000 in funds from KPB to be used to pay for the March 22, 2002 party for defendant JOHNSON.

4. In or about February 2002, defendant MARK N. VIGGIANO issued a check from KPB to the National Forum of Black Public Administrators for the March 22, 2002 party for defendant WILLIAM M. JOHNSON.

5. On or about March 22, 2002, defendants WILLIAM M. JOHNSON and DAVID B. ROBINSON attended the party for defendant JOHNSON hosted by the National Forum of Black Public Administrators located at the Fairmount Park Horticultural Center, Philadelphia, Pennsylvania.

6. On or about August 7, 2002, defendant WILLIAM M. JOHNSON signed and approved an invoice for the reimbursement of \$5,000 to KPB for his March 22, 2002 party.

The August 23, 2002 Farewell Party

7. In or about July 2002, defendant WILLIAM M. JOHNSON asked defendant DAVID B. ROBINSON, and others known to the grand jury, to organize a farewell party for him.

8. In or about August 2002, defendants WILLIAM M. JOHNSON, MARK N. VIGGIANO, and DAVID B. ROBINSON agreed to pay approximately \$8,099 of KPB funds for defendant WILLIAM M. JOHNSON's farewell party.

9. In or about August 23, 2002, defendants WILLIAM M. JOHNSON and DAVID B. ROBINSON attended defendant JOHNSON'S farewell party at the Water Works located in Philadelphia, Pennsylvania.

10. On or about December 2002, defendant MARK N. VIGGIANO submitted an invoice to the Streets Department of the City of Philadelphia to obtain reimbursement for defendant JOHNSON's farewell party.

All in violation of Title 18, United States Code, Section 371.

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 through 7 and 9 through 10 of Count One of this Indictment are incorporated here.
2. On or about August 7, 2002, in the Eastern District of Pennsylvania, defendants

**WILLIAM M. JOHNSON
DAVID B. ROBINSON, and
MARK N. VIGGIANO**

embezzled, stole, obtained by fraud, otherwise without authority knowingly converted to the use of a person other than the rightful owner, and intentionally misapplied, and aided, abetted, and willfully caused the embezzlement, stealing, obtaining by fraud, otherwise without authority knowingly conveying to the use of a person other than the rightful owner, and intentionally misapplying of, property valued at \$5,000 or more, that is approximately \$5,000 of City of Philadelphia money to fund a lavish party held on March 22, 2002, for City of Philadelphia Streets Commissioner defendant WILLIAM M. JOHNSON.

In violation of Title 18, United States Code, Sections 666(a)(1)(A), (b) and 2.

COUNT THREE

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 through 7 and 9 through 10 of Count One of this Indictment are incorporated here.

2. In or about December 2002, in the Eastern District of Pennsylvania, defendants

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embezzled, stole, obtained by fraud, otherwise without authority knowingly converted to the use of a person other than the rightful owner, and intentionally misapplied, and aided, abetted, and willfully caused the embezzlement, stealing, obtaining by fraud, otherwise without authority knowingly conveying to the use of a person other than the rightful owner, and intentionally misapplying of, property valued at \$5,000 or more, that is approximately \$8,099 of City of Philadelphia money to fund a lavish party held on August 23, 2002, for City of Philadelphia Streets Commissioner defendant WILLIAM M. JOHNSON.

In violation of Title 18, United States Code, Sections 666(a)(1)(A), (b) and 2.

A TRUE BILL:

FOREPERSON

PATRICK L. MEEHAN
United States Attorney